

No. 338

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Oriental Republic of Uruguay and has the honor to refer to earlier discussions between representatives of the two governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training, and other defense services, including pursuant to the United States International Military Education and Training program, from the United States of America to the Government of the Oriental Republic of Uruguay pursuant to the Foreign Assistance Act of 1961, or successor legislation, and in the framework of the Agreement between the United States of America and Uruguay regarding mutual defense assistance, signed at Montevideo June 30, 1952. In this regard the Embassy refers to the Agreement relating to payment to the United States of net proceeds from the sale of defense articles furnished under the military assistance program, effected by exchange of notes at Montevideo on December 11 and December 30, 1974. In accordance with these discussions, it is proposed that the Government of Oriental Republic of Uruguay agree:

A. That unless the consent of the Government of the United States of America has been first obtained, the Government of the Oriental Republic of Uruguay shall not:

(I) Permit any use of such defense articles, related training, including training materials, or other defense services by anyone not an officer, employee or agent of the Government of the Oriental Republic of Uruguay;

(II) Transfer, or permit any officer, employee or agent of the Government of the Oriental Republic of Uruguay to transfer, such defense articles, related training, including training materials, or other defense services by gift, sale, or otherwise; or

(III) Use, or permit the use of, such defense articles, related training, including training materials, or other defense services for purposes other than those for which provided;

B. That such defense articles, related training, including training materials, or other defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;

C. That the net proceeds of sale received by the Government of the Oriental Republic of Uruguay in disposing of, with prior written consent of

the Government of the United States of America, any defense article furnished by the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;

D. That the Government of the Oriental Republic of Uruguay shall maintain the security of such defense articles, related training, including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such defense articles, related training, including training materials, or other defense services by the Government of the United States of America; that it will, as the Government of the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of the Oriental Republic of Uruguay; and

E. That the Government of the United States of America may also, from time to time, make the provision of articles and services furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of the agreement proposed herein. (Transfers under the United States Arms Export Control Act shall continue to be

governed by the requirements of that Act and the United States regulations applicable to such transfers.)

Further, the Embassy proposes that the Agreement herein proposed shall supersede in its entirety the above-referenced Agreement relating to payment to the United States of net proceeds from the sale of defense articles furnished under the military assistance program, effected by exchange of notes at Montevideo on December 11 and December 30, 1974.

This Agreement shall apply to defense articles to which the superseded Agreement had applied prior to entry into force of this Agreement.

The Ministry of Foreign Affairs' note stating that the foregoing is acceptable to the Government of the Oriental Republic of Uruguay shall, together with this note, constitute an agreement between two Governments, which shall enter into force on the date of the Ministry's note.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

A handwritten signature in dark ink, appearing to be 'HJ' or similar initials, located in the lower right quadrant of the page.

Embassy of the United States of America,

Montevideo, October 29, 2009.



TRANSLATION/COMPARISON

[The Eastern Republic of Uruguay]
Ministry of Foreign Affairs

Note Verbale DGAP3 No. 155/2009
ER/ib

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to acknowledge receipt of its note verbale No. 338 of October 29, 2009, which reads as follows:

[See U.S. Note]

The Ministry of Foreign Affairs has the honor to confirm that the proposals contained in the above-transcribed note are acceptable to the Government of the Eastern Republic of Uruguay, and that the Embassy's note, together with this one, shall constitute an agreement between our two governments which shall enter into force on the date of this note.

[Complimentary close]

Montevideo, November 9, 2009

[Initialed]

Embassy of the United States of America,
Montevideo.